

**SUPREME COURT MINUTES
THURSDAY, AUGUST 18, 2011
SAN FRANCISCO, CALIFORNIA**

S179115 D053620 Fourth Appellate District, Div. 1 **HOWELL (REBECCA) v.
HAMILTON MEATS &
PROVISIONS, INC.**

Opinion filed: Judgment reversed

The matter is remanded to that court for further proceedings consistent with our opinion.

Majority Opinion by Werdegar, J.

-- joined by Cantil-Sakauye C. J., Kennard, Baxter, Chin, and Corrigan, JJ.

Dissenting Opinion by Klein, J.*

* Presiding Justice of the Court of Appeal, Second Appellate District, Division Three, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S182263 C058326 Third Appellate District **PEOPLE v. MILWARD
(GEORGE)**

Opinion filed: Judgment reversed

The judgment of the Court of Appeal is reversed, and the matter is remanded to that court with directions to reverse defendant's conviction for assault with a deadly weapon or instrument other than a firearm or by means of force likely to inflict great bodily injury (§ 245, subd. (a)(1)).

Majority Opinion by Kennard, J.

-- joined by Cantil-Sakauye C. J., Baxter, Werdegar, Chin, Corrigan, and King*, JJ.

* Associate Justice of the Court of Appeal, Fourth Appellate District, Division Two, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S093235 **PEOPLE v. JOHNSON
(JERROLD ELWIN)**

Extension of time granted

Good cause appearing, and based upon counsel William D. Farber's representation that he anticipates filing the appellant's opening brief by December 31, 2011, counsel's request for an extension of time in which to file that brief is granted to October 14, 2011. After that date, only two further extensions totaling about 75 additional days are contemplated.

S096809**PEOPLE v. POYNTON
(RICHARD JAMES)**

Extension of time granted

Good cause appearing, and based upon counsel Carla J. Johnson's representation that she anticipates filing the appellant's opening brief by January 10, 2012, counsel's request for an extension of time in which to file that brief is granted to October 17, 2011. After that date, only two further extensions totaling about 90 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S097414**PEOPLE v. KOPATZ (KIM
RAYMOND)**

Extension of time granted

Good cause appearing, and based upon counsel David P. Lampkin's representation that he anticipates filing the appellant's opening brief by October 17, 2011, counsel's request for an extension of time in which to file that brief is granted to October 17, 2011. After that date, no further extension is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S104665**PEOPLE v. POORE
(CHRISTOPHER ERIC)**

Extension of time granted

Appellant's request for relief from default is granted.

Good cause appearing, and based upon counsel David S. Adams's representation that he anticipates filing the appellant's opening brief by the end of March 2012, counsel's request for an extension of time in which to file that brief is granted to October 7, 2011. After that date, only three further extensions totaling about 180 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S133660**PEOPLE v. AMEZCUA
(OSWALDO) & FLORES
(JOSEPH CONRAD)**

Extension of time granted

Good cause appearing, and based upon counsel Janyce Keiko Imata Blair's representation that she anticipates filing appellant Oswaldo Amezcua's opening brief by June 30, 2012, counsel's request for an extension of time in which to file that brief is granted to October 26, 2011. After that date, only four further extensions totaling about 240 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the

anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S155160

**PEOPLE v. RAMIREZ
(IRVING ALEXANDER)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to October 18, 2011.

S176213

B209568 Second Appellate District, Div. 5

**PEOPLE v.
RUTTERSCHMIDT (OLGA)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the Supplemental Brief is extended to September 2, 2011.

S183606

**RANGEL, JR., (PEDRO) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Charles M. Bonneau's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by April 30, 2012, counsel's request for an extension of time in which to file that document is granted to October 17, 2011. After that date, only four further extensions totaling about 200 additional days are contemplated.

S093456

**PEOPLE v. THOMAS (ALEX
DALE)**

Counsel appointment order filed

Upon request of condemned inmate Alex Dale Thomas for appointment of counsel, Gary B. Wells is hereby appointed to represent condemned inmate Alex Dale Thomas for habeas corpus/executive clemency proceedings related to the above automatic appeal now final in this court.

Any "petition for a writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 36 months" of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of this court's delay in appointing habeas corpus/executive clemency counsel on behalf of condemned inmate Alex Dale Thomas.

S049596**PEOPLE v. BRYANT
(STANLEY), SMITH
(DONALD FRANKLIN), &
WHEELER (LEROY)**

Order filed

The first sentence of the order filed on August 17, 2011, is hereby amended to read as follows: Respondent's "Request for Clarification re: Appointment of Experts for Competency Assessment," filed on May 9, 2011, is granted.

S194861**CALIFORNIA
REDEVELOPMENT
ASSOCIATION v.
MATOSANTOS (ANA)**

Order filed

Good cause appearing, pursuant to California Rules of Court, rule 8.68, the time in which to respond to the motion of the County of Santa Clara and Vinod K. Sharma to intervene in this matter is shortened. Opposition, if any, must be filed by 10 a.m. on August 22, 2011.

S193828**BEACH ON DISCIPLINE**

Recommended discipline imposed

The court orders that ANDREW FAIRMONT BEACH, State Bar Number 227333, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. ANDREW FAIRMONT BEACH must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 4, 2011; and
2. At the expiration of the period of probation, if ANDREW FAIRMONT BEACH has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

ANDREW FAIRMONT BEACH must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2012 and 2013. If ANDREW FAIRMONT BEACH fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S193832**BERRY ON DISCIPLINE**

Recommended discipline imposed

The court orders that MICHAEL IAN BERRY, State Bar Number 141993, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. MICHAEL IAN BERRY is suspended from the practice of law for the first 90 days of probation;
2. MICHAEL IAN BERRY must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 16, 2011; and
3. At the expiration of the period of probation, if MICHAEL IAN BERRY has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

MICHAEL IAN BERRY must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

MICHAEL IAN BERRY must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2012, 2013, and 2014. If MICHAEL IAN BERRY fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S193835**CHASLE ON DISCIPLINE**

Recommended discipline imposed

The court orders that DAMA C. CHASLE, State Bar Number 112813, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. DAMA C. CHASLE is suspended from the practice of law for the first 60 days of probation;
2. DAMA C. CHASLE must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 5, 2011; and
3. At the expiration of the period of probation, if DAMA C. CHASLE has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

DAMA C. CHASLE must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of

such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with her membership fees for each of the years 2012 and 2013. If DAMA C. CHASLE fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S193837**DeFRANK ON DISCIPLINE**

Recommended discipline imposed

The court orders that MICHAEL LAWRENCE DeFRANK, State Bar Number 187888, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. MICHAEL LAWRENCE DeFRANK is suspended from the practice of law for the first 60 days of probation;
2. MICHAEL LAWRENCE DeFRANK must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 21, 2011; and
3. At the expiration of the period of probation, if MICHAEL LAWRENCE DeFRANK has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S193838**KATSNELSON ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that EDWARD LEONID KATSNELSON, State Bar Number 179677, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

EDWARD LEONID KATSNELSON must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S193878**MATTHEWS ON DISCIPLINE**

Recommended discipline imposed

The court orders that EUGENE WELLINGTON MATTHEWS, State Bar Number 161396, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for four years subject to the following conditions:

1. EUGENE WELLINGTON MATTHEWS is suspended from the practice of law for a minimum of 18 months, and he will remain suspended until the following requirement is satisfied:
 - i. EUGENE WELLINGTON MATTHEWS must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. EUGENE WELLINGTON MATTHEWS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 5, 2011.
3. At the expiration of the period of probation, if EUGENE WELLINGTON MATTHEWS has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

EUGENE WELLINGTON MATTHEWS must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

EUGENE WELLINGTON MATTHEWS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-fourth of the costs must be paid with his membership fees for each of the years 2012, 2013, 2014, and 2015. If EUGENE WELLINGTON MATTHEWS fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S193883**RAHNAMA ON DISCIPLINE**

Recommended discipline imposed

The court orders that PEJMAN RAHNAMA, State Bar Number 176504, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for 18 months subject to the following conditions:

1. PEJMAN RAHNAMA must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 29, 2011; and

2. At the expiration of the period of probation, if PEJMAN RAHNAMA has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

PEJMAN RAHNAMA must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S193885**ROWZEE ON DISCIPLINE**

Recommended discipline imposed

The court orders that JEANNE MARIE ROWZEE, State Bar Number 141784, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. JEANNE MARIE ROWZEE is suspended from the practice of law for the first 30 days of probation;
2. JEANNE MARIE ROWZEE must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 29, 2011; and
3. At the expiration of the period of probation, if JEANNE MARIE ROWZEE has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

JEANNE MARIE ROWZEE must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with membership fees for each of the years 2012 and 2013. If JEANNE MARIE ROWZEE fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S193886**ROYSTON ON DISCIPLINE**

Recommended discipline imposed

The court orders that STEVEN ALLEN ROYSTON, State Bar Number 97862, is suspended from the practice of law in California for four years, execution of that period of suspension is stayed, subject to the following conditions:

1. STEVEN ALLEN ROYSTON is suspended from the practice of law for a minimum of two

years, and he will remain suspended until the following requirements are satisfied:

- i. The State Bar Court grants a motion to terminate his suspension pursuant to rule 205 of the Rules of Procedure of the State Bar; and
 - ii. STEVEN ALLEN ROYSTON must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. STEVEN ALLEN ROYSTON must comply with the conditions of probation, if any, imposed by the State Bar Court as a condition for terminating his suspension.

STEVEN ALLEN ROYSTON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (MOTION NO. 988)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)

